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HOUSE OF REPRESENTATIVES
REPORT
98-641

# HIGHWAY SAFETY PROGRAMS ENCOURAGING THE USE OF CHILD RESTRAINT SYSTEMS

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MARCH 28, 1984.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

## REPORT

[To accompany H.R. 4616]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 4616) to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### INTRODUCTION

The Child Passenger Safety Act of 1984 is the result of numerous efforts on the part of pediatricians, health groups, law enforcement officials, child safety organizations and concerned legislators to reduce the number of fatalities and injuries to the Nation's most precious resource, its children. Virtually all groups concerned for children's health support car seat legislation.

It is a sad irony that 80 percent of all children in the United States are immunized against communicable diseases, while only half of that figure are protected against their most potent and likely killer—the automobile. According to the National Highway Traffic Safety Administration (NHTSA), in the years 1978 through 1982, nearly 3,400 child passengers under five years old were killed in traffic accidents and more than 250,000 were injured. The Surgeon General's Report on Health Promotion and Disease Prevention states that "no other preventable cause poses such a major threat as [automobile] accidents which account for 45 percent of total childhood mortality."

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The epidemic of highway casualties among very young children is essentially preventable, and child restraint laws and programs are the most practical approach to immunizing most of these children against their leading killer.

States are responding to the problem with child restraint legislation. Since Tennessee's law in 1977 and Rhode Island's in 1980, the number of States with laws has grown steadily over the past 3 years. To date, 44 States plus the District of Columbia have passed laws requiring that children be placed in safety seats. As a result, the percentage of child restraint usage has increased from 15 percent to 40 percent, according to NHTSA. Although the number of car seats in use has increased however, of the 40 percent of those children placed in child restraints, 70 percent are not correctly secured. Thus, only 12 percent of the country's children are properly protected in the event of a crash or noncrash event which could lead to death or injury of the child.

In order for child restraint laws to be effective, parents must be encouraged to protect their children by proper use of child passenger seats. They must also know a law requiring safety seats exists and that it will be enforced. In order to assure the highest degree of protection to those young citizens who cannot make a choice, by providing the necessary education, public information and police training programs, the combined efforts of a variety of concerned groups and citizens and funds to promote these programs will be required.

Financial resources for highway safety programs in general have been severely strained because of budget constraints, inflation, and a growing awareness of highway safety needs created by an increasingly mobile society. The Committee believes that this legislation, through an increase in highway safety funds, will help the States address these safety needs and, through specific and limited obligation authority, will guarantee that States can provide a substantial base on which to create effective and self-sustaining child restraint programs.

The Congress, in its historic role as partner to the States in their efforts to develop and maintain a modern and safe interstate system, reaffirms by this legislation its commitment in providing necessary resources with which auto safety programs can legitimately be developed.

## Background

Efforts to increase public awareness of the problem of child passenger safety began as early as 1963, when two out of five pediatricians were advising parents on the importance of protecting their children in motor vehicles. By 1978, the American Academy of Pediatrics began to expand its ongoing support for these efforts by developing a national program to encourage child safety seat protection for small children, beginning with the newborn's first motor vehicle trip, which was generally from the hospital to home. This program was officially launched in 1980.

Some of the earliest organized efforts to educate the public about child passenger protection were undertaken by Physicians for Automotive Safety, a national organization now based in Armonk, N.Y.

Through its efforts, child passenger safety education programs for new parents had been established in a number of hospitals throughout the country by the early 1970's, and with its help, concerned parents in Seattle, Wash., founded a national organization, Action for Child Transportation Safety (ACTS), in 1972. ACTS developed educational brochures, pamphlets, films, slides, posters, and bumper stickers, encouraged the development of public education programs in many communities throughout the country, and with funding from NHTSA, ACTS developed an "Early Rider" educational curriculum for health professionals. After 10 years of active public services, ACTS was dissolved as a national organization due to financial and other reasons.

By the mid-1970's, public education programs were being conducted by many hospitals, community volunteer and civic organizations, and State public health and highway safety agencies. Safety seat loan programs also were established by hospitals, community groups, and public agencies to encourage safety seat use by making them widely available at nominal cost. NHTSA sponsored two series of regional workshops during the 1970's to improve coordination and communication among the various groups involved and to foster the sharing of information about effective approaches to child passenger safety. Public education efforts also were supported at the Federal level by the U.S. Department of Health, Education and Welfare, which had developed printed materials to guide parents in selecting child safety seats as early as 1967.

In 1981, the National Child Passenger Safety Association (NCPSA) was formed as a national nonprofit organization dedicated to working with individuals, organizations, and government agencies to ensure the right of every child to protection against death or injury while being transported as a passenger in a motor vehicle. Its national headquarters is located in Ardmore, Pa., and it is affiliated with State and local child passenger safety associations throughout the country. NCPSA also serves as a central national clearinghouse to assure the uniformity and accuracy of child passenger safety information disseminated to safety and health professionals, legislators, and the public.

Studies done by the Insurance Institute for Highway Safety and NHTSA indicated that public education and safety seat loan programs were effective in increasing safety seat use, especially when both programs were conducted together, but these programs alone were unable to bring about usage increases of the magnitude necessary to achieve proper protection for the majority of infants and small children nationally. While programs in some communities achieved significant increases in safety seat use, most children under 5 years old continued to be transported unrestrained even by safety belts, which are found almost universally in automobiles.

## Overview of Bill

H.R. 4616 amends section 403(a)(1) of the Surface Transportation Assistance Act of 1982 for the purpose of providing additional authorizations out of the Highway Trust Fund to carry out highway safety programs by NHTSA. An additional $15 million is authorized

for fiscal year 1985, bringing the total NHTSA highway safety funding level for 1985 to $115 million, and an additional $20 million is authorized for fiscal year 1986, bringing the total funding level in 1986 to $120 million.

Each State will be required to obligate 8 percent of its total apportioned 402 funds for each of the 2 fiscal years for development and implementation of comprehensive child restraint programs, to be approved by the Secretary of Transportation.

States will also be required to maintain all non-Federal source expenditures for these programs at the same or higher levels as was expended during the two fiscal years preceding enactment of this legislation.

The Committee believes that the Secretary, in determining a comprehensive child restraint program, should consider criteria which would guarantee that Federal monies are spent in the most effective and uniform manner. Such criteria would be expected to include:

1. *Mandatory use of child restraints.* A State law requiring that children be placed in child safety seats is a necessary component of an effective child restraint program. Where implemented, these laws have led to the substantial increase in child safety seat usage that has occurred in recent years.

2. *Intensive education program.* In order for State laws to be effective, both parents and police need to be educated on the need for the child restraints and the proper use of them. Parents must also be made aware that a State law exists.

3. *Enforcement.* Emphasis should be placed on enforcement and compliance levels. The police community must be trained to enforce the law and to understand its importance. The police, in their enforcement duties, can provide a valuable source of information for parents on the need for and proper use of the child seats. Good police training has proven to be a source of good community relations in States which have made the effort to stress the importance of child restraint laws.

4. *Media programs.* Although not sufficient by itself, public information through media should be used to keep the public aware of the law and its purpose, and to serve to remind and to reinforce this message.

5. *Loaner programs.* Loaner programs are often designed to aid low-income families. These programs focus on education—how and why child safety seats are used—and provide second language materials. Public health clinics provide an important function in coordinating these programs.

The programs also subsidize the availability of car seats by reducing deposit fees and charging minimal or no rental.

The Committee is of the view that safety seat loaner programs are of such importance to widespread use of child restraint devices that those who wish to distribute or install them on a public-service basis should not be deterred by concern over liability. To date, this has not been a problem, and the Committee believes that if questions of liability arise in the future, there should be adequate means to protect these programs. These means would include insurance policies against both product liability and

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negligence claims and the potential of limited immunity under adaptation of state Good Samaritan statutes. To encourage the sponsorship of loaner programs and similar activities, the Committee believes that the Secretary, in approving state program submissions, should require the States to assure that adequate protection from liability is available to such programs.

6. *Involvement of a broad spectrum of people and organizations.* In order to promote child restraint programs, the efforts of the media community, the health community, the police community, and child passenger associations will be required. Funds should be made available to these organizations to assist their efforts in carrying out the goals of the child restraint programs. Obviously, where possible, the private sector, which would include the automobile insurance industry and auto companies, should be encouraged to provide assistance to these groups, thereby minimizing the financial burden on the public and insuring child safety.

States are encouraged to coordinate, through the Governor's Highway Safety Representative, the activities of these groups in order to maximize their efficiency and effectiveness.

From extensive testimony heard by the Subcommittee on Surface Transportation, the need for the combination of child restraint laws and programs was carefully examined. Since a law mandating use would be an ultimate requirement of a comprehensive program, the Secretary should encourage each State to consider certain minimum criteria that would afford its young citizens optimal protection. In the opinion of many safety experts, these criteria should include a provision that a law apply to children at least under 4 years of age, under 40 pounds, or under 40 inches in height. Furthermore, a child restraint law should consider that a child in any vehicle, even though not driven or owned by its parent or guardian, is endangered when unrestrained. This was poignantly brought to the Committee's attention by the testimony of Joseph Sagerer of Chicago, Ill., whose daughter Holly was permanently injured while riding in her grandmother's lap in an automobile being driven by her grandfather. The occasions in which children ride in automobiles other than their own are of a sufficient number to warrant serious attention by the States and should be addressed by an appropriate provision in the law.

As pointed out earlier, only 40 percent of the Nation's children are placed in child restraints when in a motor vehicle. This represents a rise in usage from the 15 percent which represented pre-law usage. While educational programs play a major role in achieving an acceptable level of safety seat usage, without State laws, programs have not been sufficiently successful in achieving high or correct usage rates. Therefore, the Committee is of the opinion that a comprehensive child restraint program must include a law requiring the use of child passenger seats. The Committee also realizes that an effective part of any such program is the efforts by program members to move passage of a law within their State. Thus, the Committee felt that requiring a State to have a law in place in order to receive initial obligation authority for the program would be counterproductive to the aim of this legislation. Furthermore, only six States are currently without laws. How-

ever, the Committee believes that those States without laws should be encouraged to enact child restraint laws in order to continue to receive funding for the program. It is therefore strongly recommended that, in order to assure compliance with the requirement for a comprehensive child restraint program, the Secretary evaluate at the end of fiscal year 1985 the progress made by those States toward enactment of a child restraint law. If, in the Secretary's discretion, no progress has been made by the State toward implementing a law, the Secretary shall withhold approval of the State's obligation of 8 percent of section 402 highway safety funds which that State would otherwise be able to obligate for an approved comprehensive program.

If at the end of fiscal year 1986, a State that has been deemed by the Secretary to have been eligible by means of its progress toward implementing such a law in fiscal year 1985 remains without a child restraint law, then that State shall be determined not to have a comprehensive child restraint program, and the Secretary shall withhold approval of the State's obligation of 8 percent of the section 402 highway safety funds which that State would otherwise be able to obligate for an approved comprehensive program in fiscal year 1987.

The Secretary shall also evaluate the effectiveness of the child restraint program in each State to determine if the program has been instrumental in reducing fatalities and injuries in that State by the increased proper use of child restraints. The approval of a State's program should be contingent upon the showing of such positive results in the previous fiscal year.

## Occupant Restraints

The Committee recognizes the very substantial benefits that would derive from increasing occupant restraint use among adults as well as children. Innovative child restraint legislation may well stimulate a belt-use habit that carries over to the adult sector.

Young people who are required by State law or regulation to use safety belts in driver training exhibit higher belt use in later years than do other motorists. New York State has been a leader in expanding use of occupant restraints through its innovative requirement that annually extends the age coverage of its child restraint use laws by 1 year. In effect, over a period of a very few years, all youngsters up to 10 years of age will be protected by child restraints or seat belts in New York.

## Compliance With Clause 2(l) of Rule XI of the House of Representatives

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, there have been no separate funding findings and recommendations on the subject matter of this legislation submitted by the Subcommittee on Investigations and Oversight.

(2) Pursuant to clause 4(c)(2) of rule X and clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Operations.

(3) Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives requires that the report of any committee on a measure which has been approved by the committee shall include the statement required by section 308(a) of the Congressional Budget and Impoundment Control Act of 1974, if the measure provides new budget authority or new or increased tax expenditures.

With respect to section 308(a)(1)(A) and (B), the letter submitted by the Director of the Congressional Budget Office under (5) below satisfies the requirement.

With respect to section 308(a)(1)(C), of the Congressional Budget and Impoundment Control Act of 1974, most of the new budget authority provided in the reported bill is for financial assistance to state and local governments.

(4) Clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives requires that the report of any committee on a measure which has been approved by the committee shall include the statement required by section 403 of the Congressional Budget Act. The letter submitted by the Director of the Congressional Budget Office under (5) below satisfies this requirement.

(5) The Committee has received the following report prepared by the Congressional Budget Office under sections 308(a) and 403 of the Congressional Budget Act.

The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., March 23, 1984.*

Hon. JAMES J. HOWARD,
*Chairman, Committee on Public Works and Transportation,*
*U.S. House of Representatives,*
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 4616, a bill to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MARCH 23, 1984.

1. Bill number: H.R. 4616.

2. Bill title: A bill to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, March 20, 1984.

4. Bill purpose: This bill increases to $115 million in 1985 and $120 million in 1986 the authorizations and obligation ceilings for highway safety formula grants funded from the Highway Trust Fund. The Surface Transportation Assistance Act of 1982 (Public Law 97-424) authorized $100 million per year in 1985 and 1986 for these grants and established obligation ceilings also at $100 million per year. The bill also requires each state to spend at least 8 percent of the funds apportioned to it under this program for activities related to the use of child restraint systems in motor vehicles.

Highway safety formula grants are used to fund various state safety programs, focusing on six areas identified by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) as being most effective in reducing accidents. These activities include efforts to control drinking drivers, increase safety belt usage, and improve the quality of emergency medical services.

5. Estimated cost to the Federal Government: This bill results in direct spending from the Highway Trust Fund, as shown in the following table:

[By fiscal years, in millions of dollars]

| | 1985 | 1986 | 1987 | 1988 | 1989 |
|---|---|---|---|---|---|
| Budget authority | 115 | 120 | ..... | ..... | ..... |
| Less: Existing budget authority | 100 | 100 | ..... | ..... | ..... |
| Net additional budget authority | 15 | 20 | ..... | ..... | ..... |
| Estimated outlays | 3 | 8 | 9 | 8 | 5 |

The costs of this bill fall within budget function 400.

*Basis of estimate.*—CBO's estimate assumes that the total funds authorized by the bill will be obligated in each fiscal year. Outlay estimates are based on historical spending patterns.

6. Estimated cost to State and local governments: The federal funds authorized by this bill provide up to 75 percent of the total cost for state safety programs, and are apportioned using a formula based on population and public road mileage. States wishing to use these funds would be required to provide a total of $5 million more in 1985 and $7 million more in 1986 to match the increased federal funds authorized by this bill. The bill also requires states to ensure that funding from nonfederal sources will remain at or above the average for the past two years so that the increased federal funds are not used to substitute for other funds.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kathleen Kelly.

10. Estimate approved by:

C. G. Nuckols
(For James L. Blum,
Assistant Director for Budget Analysis).

(6) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, passage of H.R. 4616 should have a negligible inflationary impact on prices and costs in the operation of the national economy.

## Cost of Legislation

In accordance with rule XIII(7) of the Rules of the House of Representatives, the cost to the United States in carrying out H.R. 4616, as reported, in fiscal year 1983, and in each of the five following fiscal years, is estimated by the Committee to be costs which appear in the report of the Congressional Budget Office.

## Vote

The bill was reported by a voice vote of the Committee.

## Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

### Surface Transportation Assistance Act of 1982

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### TITLE II

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#### HIGHWAY SAFETY

[Sec. 203. (a) (1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.]

*Sec. 203. (a) (1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund (other than the Mass Transit Account), $115,000,000 for the fiscal year ending September 30, 1985, and $120,000,000 for the fiscal year ending September 30, 1986.*

* * * * * * *

*(4) (A) Each State shall expend each fiscal year not less than 8 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for developing and implementing comprehensive programs approved by the Secretary of Transportation concerning the use of child restraint systems in motor vehicles.*

*(B) No project for developing and implementing a comprehensive program concerning the use of child restraint systems in motor vehicles may be approved by the Secretary of Transportation in the fiscal years ending September 30, 1985, and September 30, 1986, unless the State applying for approval of such project enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all non-Fed-*

*eral sources for such programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this paragraph.*

*(C) Subparagraphs (A) and (B) of this paragraph shall not apply to sums authorized to be appropriated for any fiscal year beginning after September 30, 1987.*

[(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000, per fiscal year for each of such fiscal years.]

*(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $115,000,000 for the fiscal year ending September 30, 1985, and $120,000,000 for the fiscal year ending September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.*

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